



## **Case Summary**

Appellant-Defendant Christopher M. Holman (“Holman”) appeals the six-year sentence imposed following his plea of guilty to Reckless Homicide, a Class C felony.<sup>1</sup> We affirm.

## **Issues**

Holman presents two issues for review:

- I. Whether the trial court abused its discretion in its finding of an aggravating circumstance; and
- II. Whether the sentence is inappropriate.

## **Facts and Procedural History**

In December of 2006, Holman was dating Kimberly Kemp (“Kemp”), the former girlfriend of Brandon Ransom (“Ransom”). Ransom claimed that Kemp owed him \$400. Holman telephoned Ransom and the men agreed to a fight.

On December 8, 2006, Ransom and Holman met at a shopping mall parking lot for the fight. They had invited friends as backup. Ransom and Holman fought, with Holman gaining the upper hand. As the initial fight ended, Chad Powell (“Powell”) came forward and kicked Holman in the head two or three times. Some of the men then separated Holman and Ransom.

Holman began walking back to his vehicle. Ransom returned to his vehicle and obtained an aluminum baseball bat. Powell obtained num-chucks. Ransom and Powell then brandished their weapons while moving toward Holman’s companions. As Ransom waved

his bat, he repeated, “you want some of this you m----f----.” (Tr. 48.) Holman walked back toward Ransom and stated, “let’s finish this.” (Tr. 49.)

Ransom swung the baseball bat and hit Holman in the head and face several times before Holman was able to grapple Ransom. At this juncture, Jason Johnston called 9-1-1 and Powell fled. Holman took a knife from his pants pocket and “began to jab at” Ransom. (App. 25.) Holman gained possession of the bat and struck Ransom twice with the handle. Both men staggered to their vehicles. Holman drove away. Ransom bled to death from multiple stab wounds.

On December 12, 2006, the State charged Holman with murder. On August 2, 2007, Holman pled guilty to Reckless Homicide. On August 30, 2007, the trial court sentenced Holman to six years imprisonment. Holman now appeals.

## **Discussion and Decision**

### **I. Aggravators and Mitigators**

In its sentencing statement, the trial court found that the mitigating circumstances advanced by Holman were accurate. These included the decision to plead guilty, victim provocation, and the minimal potential for criminal activity in the future. In aggravation, the trial court observed that Holman “taunted” the victim to fight and brought a knife to the fight. (App. 13.) Finally, the trial court referred to the offense as “an aggravated Class C felony in that it’s one that involves the taking of a life of someone.” (App. 13.) Holman contends that death is a material element of the offense and may not comprise an aggravator.

---

<sup>1</sup> Ind. Code § 35-42-1-5.

In Anglemyer v. State, 868 N.E.2d 482, 490 (Ind. 2007), our Supreme Court determined that trial courts are required to enter sentencing statements whenever imposing sentence for a felony offense. The statement must include a reasonably detailed recitation of the trial court's reasons for imposing a particular sentence. Id. If the recitation includes the finding of aggravating or mitigating circumstances, then the statement must identify all significant mitigating and aggravating circumstances and explain why each circumstance has been determined to be mitigating or aggravating. Id. So long as it is within the statutory range, a sentencing decision is subject to review on appeal for an abuse of discretion. Id. One way in which a trial court may abuse its discretion is to fail to enter a sentencing statement at all. Id. Another is to enter a sentencing statement that explains reasons for imposing a sentence and the record does not support the reasons, the statement omits reasons clearly supported by the record and advanced for consideration, or the reasons given are improper as a matter of law. Id. at 490-91.

Indiana Code Section 35-42-1-5 provides: "A person who recklessly kills another human being commits reckless homicide, a Class C felony." As Holman observes, a fact that comprises a material element of the offense may not also constitute an aggravating circumstance to support an enhanced sentence. Stone v. State, 727 N.E.2d 33, 37 (Ind. Ct. App. 2000). To the extent that the trial court relied upon Ransom's death as an aggravator, the trial court abused its discretion. We turn to our independent review of the sentence imposed.

## II. Appropriateness of the Six-Year Sentence

The advisory sentence for a Class C felony is four years. See Ind. Code § 35-50-2-6. Holman requests that we reduce his six-year sentence in accordance with Indiana Appellate Rule 7(B), which provides that we “may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” In particular, Holman emphasizes that his good character is evidenced by his lack of significant criminal history and his decision to plead guilty.

As to the character of the offender, his prior criminal history consists of a misdemeanor conviction. He also decided to plead guilty. A guilty plea demonstrates a defendant’s acceptance of responsibility for the crime and at least partially confirms the mitigating evidence regarding his character. Cotto v. State, 829 N.E.2d 520, 525 (Ind. 2005). Indiana courts have recognized that a defendant who pleads guilty deserves to have mitigating weight extended to the guilty plea in return, but it is not automatically a significant mitigating factor. Davis v. State, 851 N.E.2d 1264, 1268 n.5 (Ind. Ct. App. 2006), trans. denied. Here, Holman pled guilty to a reduced charge, but the prosecutor agreed, based upon his investigation, that the reduced charge was the appropriate one. Accordingly, Holman deserves some benefit in exchange for his guilty plea.

The nature of the offense is that Holman taunted his victim to fight, and then took a deadly weapon to a fight. After Holman prevailed in the initial fight and was able to walk away, he succumbed to taunts aimed at his friends and renewed the fight. Holman inflicted

eleven stab wounds upon Ransom.<sup>2</sup>

In sum, the character of the offender is such that leniency is appropriate. The nature of the offense suggests otherwise, as Holman inflicted multiple stab wounds after he was able to retreat and chose not to do so. Holman has not persuaded us that his six-year sentence is inappropriate.

Affirmed.

FRIEDLANDER, J., and KIRSCH, J., concur.

---

<sup>2</sup> Ransom was also in possession of a knife, although he did not use it against Holman.